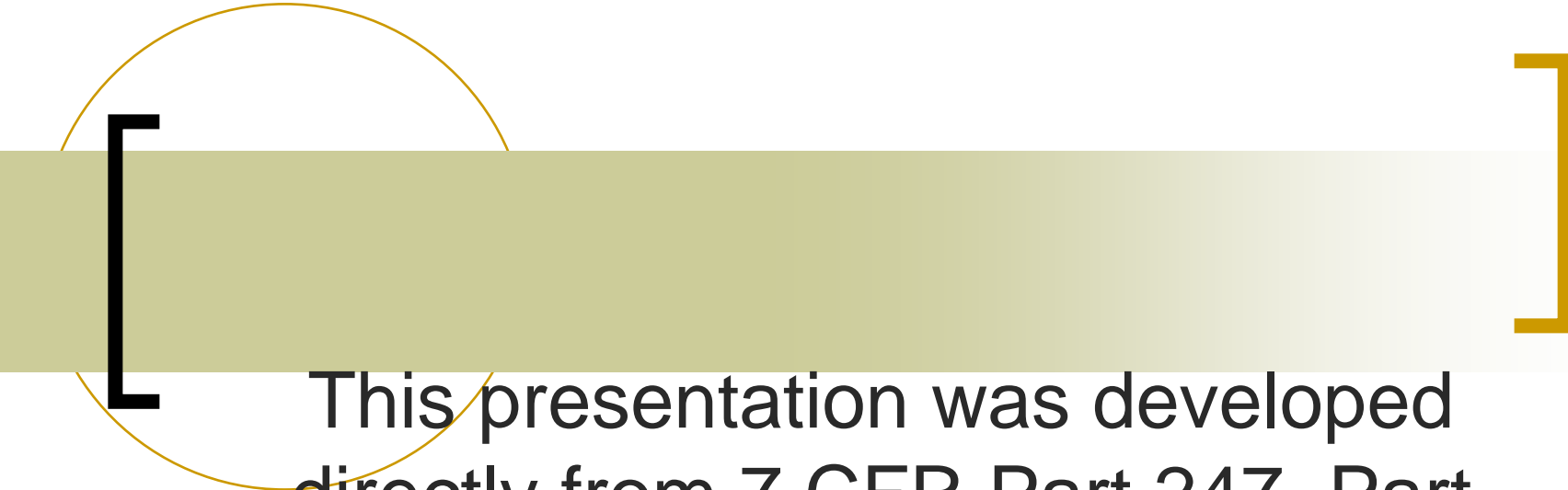


Civil Rights Compliance in the Commodity Supplemental Food Program

**Food and Nutrition Service
Civil Rights Division
February 8, 2006**





This presentation was developed
directly from 7 CFR Part 247, Part
250 and the
FNS Instruction 113-1

Commodity Supplemental Food Program (CSFP)

- The CSFP is administered at the Federal Level by the Food and Nutrition Service (FNS), an Agency of the U.S. Department of Agriculture.
- Recipient agencies, distributing agencies, and sub distributing agencies shall comply with the requirements of:

Civil Rights Authorities

- The Civil Rights Act of 1964
- FNS Civil Right Instruction 113-1
- Departmental Regulations 7 CFR Parts 15, 15a, 15b and 16.
- Executive Order 13166

[What is Discrimination?



Discrimination is defined as the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on the protected bases.

[Prohibited Bases in the CSFP]

There are six protected bases in the CSFP:

- Race
- Color
- National Origin
- Age
- Sex
- Disability

What is Civil Rights?

The nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th amendments to the U.S. Constitution and by acts of Congress.

[Title VI of the Civil Rights Act]

- Title VI of the Civil Rights Act of 1964 prohibits recipients of Federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities.

Eight Areas of Civil Rights Compliance

- Assurances
- Public Notification System
- Data Collection
- Training
- Compliance Reviews
- Civil Rights Complaints
- Limited English Proficiency
- Equal Opportunity Rule



Assurances

To qualify for Federal financial assistance, an application must include a written assurance in all agreements between State agencies that the program will be operated in a nondiscriminatory manner.

Assurances (Cont'd)

State agencies are responsible for reviewing, approving, and monitoring subrecipient agreements.

Pre-award Compliance Reviews

Pre-Approval/Pre-Award Compliance Reviews are a desk or onsite review of specific civil rights information submitted to a State or local Agency or other subrecipient agency in the application for Federal financial assistance.



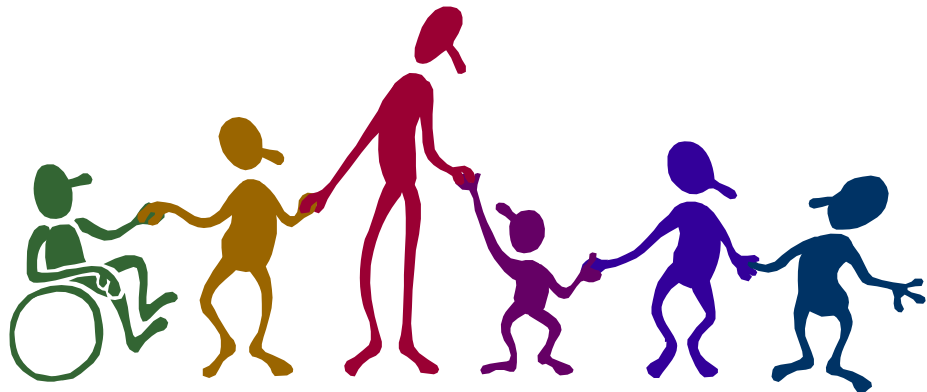
Pre-award Compliance Reviews

No Federal funds shall be made available until a Pre-award Compliance Review has been conducted and the applicant is determined to be in compliance with Title VI.



Pre-award Compliance Reviews (Cont'd)

The following data shall be analyzed during the Pre-award Compliance Review...



Pre-award Compliance Reviews (Cont'd)

- An estimate of the racial/ethnic makeup of the population to be served.
- Documentation of efforts used to assure that minority populations have an equal opportunity to participate.
- Nondiscrimination statement on applicant agency's admission requirements.

Pre-award Compliance Reviews (Cont'd)

- Documentation of efforts used to contact minority and grassroots organizations about the CSFP.
- A listing of any Federal agency providing additional financial support to the applicant. (i.e - Food Stamps and WIC.)

Routine (Post-award) Compliance Reviews

- A Post Award Review is a civil rights review (desk or on-site) that is conducted after an entity has been authorized to receive Federal financial assistance.
- Encompasses all phases of the institution's operation as outlined in civil rights and program regulations.

Routine (Post-award) Compliance Reviews (Cont'd)

- State agencies shall conduct Routine Civil Rights Compliance Reviews according to the frequency they conduct Program reviews.
- Targeted civil rights reviews should be arranged when there are indications of possible civil rights issues such as...

Routine (Post-award) Compliance Reviews (Cont'd)

Indicators of Possible Problems in Civil Rights Compliance:

- **Previously un-reviewed institutions;**
- **Newly approved institutions;**
- **Institutions located in areas with diversified minority populations;**
- **Institutions located in areas with a significant minority population; and**
- **Admission requirements or procedures which restrict or deny benefits.**

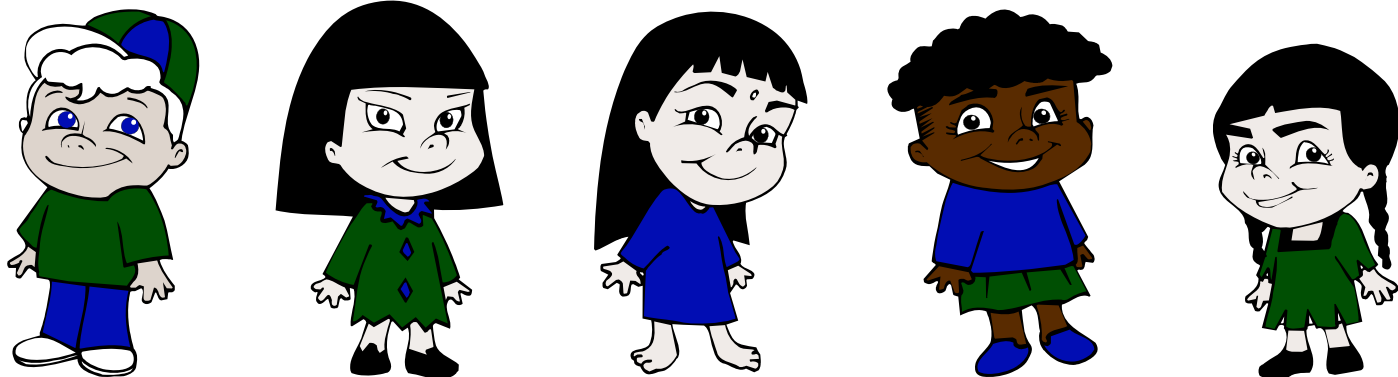
Compliance Reviews

Review questions that should be addressed by the State Agency....



[Compliance Reviews (Cont'd)]

1. Do potentially eligible persons have an equal opportunity to participate in the program?



Public Notification System

The purpose of a public notification system is to inform applicants, participants and potentially eligible persons of the program availability, program rights and responsibilities, the nondiscrimination policy, and the procedures for filing a complaint.

Public Notification System

Three Elements of Public Notification:

1. Program Availability
2. Complaint Information
3. Nondiscrimination Statement



Public Notification System - Requirements

- ❑ Publicize program to all, including underserved populations and the entities that service them;
- ❑ Provide information in alternative formats, including web-based information, for persons with disabilities;
- ❑ Use the Nondiscrimination Statement on all applicable publications;
- ❑ Convey the message of equal opportunity in all graphics on all materials;
- ❑ Display the “And Justice For All” poster.

[Compliance Reviews (Cont'd)]

2. Are distribution sites displaying the USDA nondiscrimination posters in prominent areas?



[Compliance Reviews (Cont'd)]

3. Is the Nondiscrimination Statement included on all printed materials such as applications, pamphlets, forms or any other program materials distributed to the public?

Nondiscrimination Statement

Full Statement

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age or disability. To File a complaint of discrimination, write to: USDA, Director, Office of Civil Rights, **1400 Independence Avenue, S.W., Washington, D.C. 20250-9410** or call **(800) 795-3272 (voice) or (202) 720-6382 (TDD)**. USDA is an equal opportunity provider and employer.”

Nondiscrimination Statement

Minimum Statement

If the material is too small to permit the Full Statement to be included, the material will at a minimum include one of the following statements, in print no smaller than the text, the **“This institution is an equal opportunity provider”** or **The CSFP is an equal opportunity provider.”**

For the internet, radio and television public service announcements, the nondiscrimination statement does not have to be read in its entirety.

A nondiscrimination statement is not required to be imprinted on caps, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical.

[Compliance Reviews (Cont'd)]

- 4a. Is program information available to potential eligible persons, program applicants and participants?
- b. Is program information provided in a bilingual manner where services are being delivered in a language minority area?

[Compliance Reviews (Cont'd)]

- c. Are program changes publicized to participants regarding significant program changes, eligibility standards, new locations, hours of operation, etc?



[Compliance Reviews (Cont'd)]

- d. Is the subrecipient providing program information on a regular basis to food distribution sites, especially minority and grassroots organizations within the community that may assist the local agency in reaching potential eligible populations?

[Compliance Reviews (Cont'd)]

5. Are program civil rights complaints handled in accordance with procedures outlined in FNS Instruction 113?

Complaints must be immediately forwarded from the local level up to the State, and on to the regional civil rights office.

[Compliance Reviews (Cont'd)]

6. Is the Civil Rights Discrimination Complaint information displayed and accessible to all applicants and participants?

[Compliance Reviews (Cont'd)]

7. Has the local agency or site conducted civil rights training for its staff? If yes, when? If not, is it scheduled?



Civil Rights Training

State Agencies are responsible for training their staffs in the following areas of Title VI Compliance...

- **Collection and Use of Data;**
- **Effective public notification systems;**
- **Complaint procedures;**
- **Compliance review techniques;**
- **Resolution of noncompliance;**
- **Reasonable accommodation of persons with disabilities;**
- **Requirements for language assistance;**
- **Conflict Resolution; and**
- **Customer Service.**

Civil Rights Training (Cont'd)

All staff should receive training on all aspects of civil rights compliance.

- **Staff should be able to identify a civil rights complaint if received.**
- **They should know what to do if they receive a complaint.**
- **Understand that it is the basic right of the individual to file a complaint.**

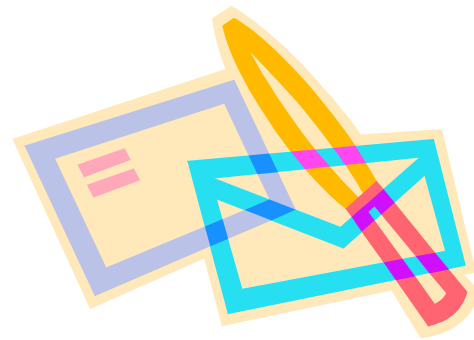
Civil Rights Complaint Handling

- Right to File a Complaint: Any Person alleging discrimination based on race, color, national origin, age, sex, or disability has a right to file a complaint within 180 days of the alleged discriminatory action.



Civil Rights Complaint Handling (Cont'd)

- Acceptance: All civil rights complaints, written or verbal, shall be accepted and forwarded to the FNS Civil Rights Division or directly to an FNS Regional Office.



Civil Rights Complaint Handling (Cont'd)

- Complaints can be written or verbal.
- Anonymous complaints should be handled as any other complaint.
- State agencies can develop complaint forms, but the use of such forms cannot be a prerequisite for acceptance of a complaint.



Contents Of A Civil Rights Complaint

- **Name, address, and telephone number of the complainant.**
- **Specific location and name of the entity delivering the service or benefit.**
- **Nature of the incident or action that led the complainant to feel discrimination was a factor, or an example of the method of administration which is having an effect on the public, potential participants, or participants.**

Limited English Proficiency (LEP)

Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of or to participate in the program, the recipient shall take reasonable steps to provide information in appropriate languages to such persons.

Limited English Proficiency (LEP) (Cont'd)

Factors to consider in addressing Limited English Proficiency needs...

- **Number of LEP individuals participating in the Program.**
- **Frequency of contact with the Program.**
- **Nature and importance of the Program.**
- **Resources available.**

Equal Opportunity For Religious Organizations

- Faith-based and Community-based organizations (FB/CBO) create new opportunities to serve more people in need.
- USDA is working to ensure that FB/CBO have equal access to USDA funding opportunities especially those groups that have not partnered with the Government before.

Equal Opportunity Rule (Cont'd)

FOUR GUIDING PRINCIPLES:

- No organization in the administration or distribution of Federal funds will be discriminated against on the basis of religion, religious belief, or religious character;
- Religious organizations retain their independence to carry out their mission, provided that direct USDA funds do not support any inherently religious activities such as religious instruction, or proselytization;

Equal Opportunity Rule (Cont'd)

- Faith-based organizations can use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures or other religious symbols; and
- No organization that receives USDA funds can discriminate against a program beneficiary, or prospective beneficiary on the basis of religion or religious beliefs.

[FOOD FOR THOUGHT



In order to reduce the risk of a civil rights discrimination complaints, ask yourself the following questions each time an applicant and/or participant comes to your program.

- Am I treating this person in the same manner I treat others?
- Have I given this person the opportunity to clarify all relevant factors or inconsistencies?
- Have I informed this person exactly what information I need to make a determination on the application?
- Have I provided the person with the information he or she needs to make necessary decisions?

QUESTIONS



Civil Rights Contact

Civil Rights Division
Food and Nutrition Service, USDA
3101 Park Center Drive, Room 942
Alexandria, Virginia 22302
(703) 305-2195



Regional Office Contacts

■ MID-ATLANTIC REGIONAL OFFICE

Mercer Corporate Park
300 Corporate Boulevard
Robbinsville, NJ 08691-1598
(609) 259-5025

MIDWEST REGIONAL OFFICE

77 West Jackson Boulevard
Chicago, Illinois 60604-3507
(312) 353-6664

MOUNTAIN PLAINS REGIONAL OFFICE

1244 Speer Boulevard, Suite 903
Denver, Colorado 80204-3581
(303) 844-0300

NORTHEAST REGIONAL OFFICE

10 Causeway Street, Room 501
Boston, MA 02222-1069
(617) 656-6370

SOUTHEAST REGIONAL OFFICE

61 Forsyth Street S.W., Room 8T36
Atlanta, Georgia 30303-3415
(404) 562-1801

SOUTHWEST REGIONAL OFFICE

1100 Commerce Street, Room 555
Dallas, Texas 75242-9980
(214) 290-9800

WESTERN REGIONAL OFFICE

550 Kearny Street, Room 400
San Francisco, CA 94108-2518
(415) 705-1310